

ORIGINAL

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

EMC

THE BOARD OF TRUSTEES (See Attachment A  
to Summons in a Civil Action)

Plaintiff

CV 08

3467

v.

Civil Action No.

OWENS CONCRETE SAW AND COMPANY, INC., A

California Corporation

Defendant

Summons in a Civil Action

To: OWENS CONCRETE SAW AND COMPANY, Inc., a California Corporation

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Barry E. Hinkle, Bar No. 071223

Phone: (510) 337-1001

Concepcion E. Lozano-Batista, Bar No. 227227

WEINBERG, ROGER & ROSENFELD

1001 Marina Village Parkway, Suite 200

Alameda, CA 94501-1091

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wieking

Name of clerk of court

Deputy clerk's signature

ANNA SPRINKLES

Date: JUL 18 2008

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_ ,  
by:

- (1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_ ; or
  - (2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or
  - (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or
- returning the summons unexecuted to the court clerk on \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

**SEE ATTACHED PROOF OF SERVICE**

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Attachment A to Summons in a Civil Action

THE BOARD OF TRUSTEES, in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

OWENS CONCRETE SAW AND COMPANY, INC., A California Corporation,

Defendants.

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) WEINBERG, ROGER & ROSENFELD 1001 MARINA VILLAGE PRKWAY, STE. 200 ALAMEDA, CA 94501-1023		TELEPHONE NO. (510) 337-1001	FOR COURT USE ONLY	
ATTORNEY FOR (NAME)		REFERENCE NUMBER 00034837-01		
Insert name of court, judicial district or branch court, if any, and post office and street address United States District Court,				
SHORT NAME OF CASE THE BOARD OF TRUSTEES vs. OWENS CONCRETE				
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: CV 08 3467 EMC

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action;

I served the:

Summons & Complaint; ECF Registration Information Handout; Order Setting Initial Case Management Conference; Welcome to the U.S. District Court, San Francisco; Notice of Assignment of Case to a United States Magistrate Judge for Trial; Civil Cover Sheet; Consenting To A Magistrate Judge's Jurisdiction;

Name: OWENS CONCRETE SAW AND COMPANY, INC., A California Corporation

Person Served: JUDY OWENS  
Title: AGENT FOR SERVICE

Date of Delivery: July 27, 2008 HDATE:  
Time of Delivery: 07:39 pm

Place of Service: 31275 OAKHILL WAY  
HAYWARD, CA 94544

(Residence)

Manner of Service: **Personal Service - By Personally Delivering copies to the person on whom the service is required.**

Fee for service: \$ 79.50

JUDICIAL COUNCIL FORM, RULE #982 (A)(23)

☒ Registered: . . . . . ALAMEDA . . . . . County,  
Number: . . . . . 1015 . . . . .  
Expiration Date:

RAPID SERVE  
210 Fell Street, # 19  
San Francisco, CA 94102  
(415) 882-2266

302/00034837-01

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

on: . . . . . August 5, 2008 . . . . .  
at: . . . . . San Francisco . . . . ., California.

Signature: FAHEEM MOORE  
Name: FAHEEM MOORE  
Title: (i) independent contractor